

Chapter 17.84**FEES****Sections:**

- 17.84.010** Schedule—When filed.
- 17.84.020** Payment required—City-initiated actions exempt.
- 17.84.030** Refunds.

17.84.010 Schedule — When filed.

For the purpose of defraying the expense involved in connection with an application or petition, the council shall establish by resolution a schedule of fees. The schedule of fees shall be available in the planning department and on file in the office of the city manager. (Ord. 496 § 1, 1983; Ord. 336 § 2.04.000, 1977).

17.84.020 Payment required — City-initiated actions exempt.

No action shall be taken on any application or petition and no filing shall be viewed as complete until all applicable fees have been paid in full. No fee will be required or charged to persons whose property is included in resolutions of intention adopted by the planning commission or the council initiating proceedings to change a zone classification. (Ord. 336 § 2.04.010, 1977).

17.84.030 Refunds.

Concurrent with the withdrawal of an application, an applicant may request, in writing, a refund of the application fee. Upon receipt of a written request for a fee refund, the city manager, or designee, shall determine how much time and other related costs have been incurred in processing the application and may authorize a refund of that amount of the fee, if any, that is not needed to cover these costs. In no event shall the city manager, or designee, approve a refund in an amount in excess of eighty-five percent of the fee paid. (Ord. 548 § 1, 1986; Ord. 336 § 2.04.020, 1977).

Chapter 17.86**APPEALS****Sections:**

- 17.86.010** Right of appeal.
- 17.86.020** Notice filing—Deadline.
- 17.86.030** Stay of permit, variance.
- 17.86.040** Planning commission review.
- 17.86.050** City council appeal.
- 17.86.060** Notice.

17.86.010 Right of appeal.

Any person dissatisfied by an act or determination of an official of the city relating to the enforcement or interpretation of this title may appeal such act or determination to the planning commission as provided in this chapter. (Ord. 336 § 2.05.000, 1977).

17.86.020 Notice filing — Deadline.

Appeals of determination or actions of officials of the city as provided in Section 17.86.010 may be made by filing written notice thereof with the planning department not later than ten days after the day on which the act or determination appealed was made. The ten-day period for filing the notice of appeal is jurisdictional and shall not be waived. (Ord. 336 § 2.05.010, 1977).

17.86.030 Stay of permit, variance.

The filing of a notice of appeal shall have the effect of staying the issuance of any permit or variance until such time as the appeal is determined. (Ord. 336 § 2.05.020, 1977).

17.86.040 Planning commission review.

The planning commission may review the entire proceedings relating to the act or decision being appealed and in the process of such review may rehear the matter de novo and make any order it deems just and equitable including the granting of any variance or conditional use permit. Any hearing may be continued from time to time. (Ord. 336 § 2.05.030, 1977).

17.86.050 City council appeal.

A. Any person aggrieved by an action of the planning commission (whether pursuant to Section 17.86.040 or otherwise) may appeal the action to the council.

B. The council, upon majority vote, may direct the city manager to file an appeal of an action by the planning commission, which appeal shall be processed in the same manner as an appeal by any other person.

C. The appeal shall be filed with ten days of the date the action is taken and shall be in writing.

D. The council shall hear the matter de novo and make any order it deems just and equitable, including the granting of any variance, conditional use permit, or mobile home certificate of compatibility. An hearing before the council may be continued from time-to-time. An appeal, once decided by the council, shall not be reconsidered. (Ord. 581 § 11, 1988; Ord. 457 § 3, 1981; Ord. 336 § 2.05.040, 1977).

17.86.060 Notice.

Notice of an appeal before the planning commission and the council shall be given to those who received notice in the first instance, or if no prior notice was required, then as provided in Section 17.82.040. (Ord. 336 § 2.05.050, 1977).

Chapter 17.88**ENFORCEMENT—INTERPRETATION****Sections:**

- 17.88.010 Administration and enforcement responsibility—Violation correction order.**
- 17.88.020 Right of entry—Inspection warrant.**
- 17.88.030 Permit in conflict void.**
- 17.88.040 Deadline to challenge official action.**
- 17.88.050 Planning commission rules.**

17.88.060 Interpretation—Planning commission jurisdiction.

17.88.070 Interpretation—Minimum requirements—Map-text conflict.

17.88.080 Violation—Penalty—Involved parties.

17.88.090 Violation—Nuisance—Abatement.

17.88.010 Administration and enforcement responsibility—Violation correction order.

This title shall be administered by the planning director and jointly enforced by the planning director and building inspector. If the planning director finds that any provision of this title is being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. (Ord. 336 § 2.01.000, 1977).

17.88.020 Right of entry—Inspection warrant.

The planning director, the building inspector or the authorized representative of either may, upon presentation of credentials to the occupant or owner, enter any premises, building, or structure at any reasonable time for the purposes of investigating and inspecting the premises, building or structure to determine if the same are being used in compliance with the provisions of this title. If admission or entry is refused, the city attorney shall apply to the court to obtain an inspection warrant. (Ord. 336 § 2.01.010, 1977).

17.88.030 Permit in conflict void.

Officers and employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title. Any permit or license which would authorize the permittee or licensee to erect, alter or enlarge any building or structure or to use property in any manner in conflict with the provisions of this

title, intentionally or otherwise, is null and void. (Ord. 336 § 2.01.020, 1977).

17.88.040 Deadline to challenge official action.

Except as otherwise provided by law, any action by any person to set aside or annul any decision by any official of the city, the planning commission, or the council pursuant to this title shall be void unless the same is commenced within sixty days of the final determination of the official, planning commission or council. (Ord. 336 § 1.101.050, 1977).

17.88.050 Planning commission rules.

The planning commission shall adopt by resolution rules of operating procedure to

govern its activities. Copies of the rules shall be made available to the public at cost. (Ord. 336 § 2.06.000, 1977).

17.88.060 Interpretation—Planning commission jurisdiction.

The planning commission shall decide any question involving the interpretation or application of any provision of this title subject to appeal of such decision to the council. The planning commission shall seek the advice of the planning director and/or any concerned city department or officer before deciding on any question of interpretation. (Ord. 336 § 2.02.000, 1977).

17.88.070 Interpretation—Minimum requirements—Map-text conflict.

In interpreting and applying the provisions of this title, they shall be construed to be the minimum requirements for the promotion of the public safety, health, convenience, comfort or general welfare. It is not intended by this title to interfere with or abrogate or annul any agreements between parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are required by other ordinances, rules, regulations, or by easements, covenants or agreements, the regulations of this title shall govern. In the event of difference or conflict between the text of this title and the official zoning maps contained in this title, the designations on the official zoning map shall govern. (Ord. 336 § 2.02.010, 1977).

17.88.080 Violation—Penalty—Involved parties.

A. Violations of the provisions of this title or failure to comply with any of its requirements (including violations of any conditions established in connection with grants of variances, conditional use permits, site plans or planned unit developments) shall constitute a misdemeanor. Any person, firm or corporation

whether as principal, agent, employee or otherwise who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars or imprisoned not more than six months in the council jail, or both. Each day such violation continues shall be considered a separate offense.

B. The owner or tenant of any building, structure, premises or parts thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this title may each be found guilty of a separate offense and suffer the penalties provided in this chapter. (Ord. 336 § 2.01.030, 1977).

17.88.090 Violation—Nuisance—Abatement.

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title and any use of land, buildings or premises conducted, operated or maintained contrary to the provisions of this title or contrary to a permit or variance or the terms or conditions imposed in this title is unlawful and a public nuisance, and the planning director or building inspector may cause to be commenced action or proceedings for the abatement and removal and injunction thereof in a manner provided by law. (Ord. 336 § 2.01.040, 1977).

Chapter 17.90

GENERAL PLAN AMENDMENT AND SPECIFIC PLANS²

Sections:

- 17.90.010 Purpose.
- 17.90.020 City-initiated action exempt when.
- 17.90.030 Definitions.
- 17.90.040 General plan amendment—Dates when permitted.

- 17.90.050 General plan amendment—Application.
- 17.90.060 General plan amendment—Planning commission review.
- 17.90.070 General plan amendment—Council review.
- 17.90.080 Appeal from denial by planning commission.
- 17.90.090 Specific plan—Application.
- 17.90.100 Specific plan—Planning commission review.
- 17.90.110 Specific plan—Council action.
- 17.90.120 Appeal of planning commission denial.
- 17.90.130 Specific plans—Amendment.
- 17.90.140 Concurrent processing of general amendments and specific plans.

17.90.010 Purpose.

The ordinance codified in this chapter is enacted to provide a procedure whereby interested persons may initiate requests to amend the general plan, or to adopt or amend specific plans, affecting property within, or proposed for annexation to, the city. (Ord. 340 § 1(a), 1977).

17.90.020 City-initiated action exempt when.

Except for Section 17.90.040, the provisions of this chapter shall not apply to amendments to the general plan, or to the adoption of, or amendment to, a specific plan, initiated by the council or the planning commission. (Ord. 340 § 1 (b), 1977).

17.90.030 Definitions.

As used in this chapter:

A. "General plan" means the general plan of the city, and any of its various elements, as adopted pursuant to the provisions of Government Code Sections 65330 et seq.;

B. "Specific plan" means any plan adopted for the systematic execution of the general plan, as adopted pursuant to the provisions of Government Code Sections 65450 et seq.;

C. All other words and phrases used in this chapter shall be defined as set forth in Chapter 17.04. (Ord. 340 § 2, 1977).

17.90.040 General plan amendment—Duties when permitted.

Pursuant to the provisions of Government Code Section 65361, no mandatory element of the general plan may be amended more than three times in any calendar year. The planning commission shall, during the month of January of each year, establish three dates during that year when it will consider amendments to the general plan. It shall also fix the dates upon which applications must be received in order to be considered for any of the dates specified. (Ord. 340 § 3(a), 1977).

17.90.050 General plan amendment—Application.

A. Any interested person may submit an application to amend the general plan as it may pertain to property within, or proposed for annexation to, the city.

B. The application shall be made to the city planner, accompanied by the fee specified therefor, and shall contain such information as the planner may require, in such form (including maps, drawings and textual materials) as may be necessary for adequate review. No applications shall be deemed complete until all required information has been submitted. (Ord. 340 § 3(b), 1977).

17.90.060 General plan amendment—Planning commission review.

A. The planning commission shall, on the dates prescribed, consider at a public hearing the applications for amendments to the general plan, and any amendment initiated by the council or the planning commission. The hearing may be continued from time to time.

B. The notice for such hearing shall be given as prescribed in Government Code Section 65351.

C. A recommendation for one or more amendments to the general plan shall be by resolution and shall require the affirmative vote of not less than a majority of the total voting members of the planning commission, as prescribed by Government Code Section 65352. (Ord. 340 § 3(c), 1977).

17.90.070 General plan amendment—Council review.

A. The resolution of the planning commission shall be forwarded to the council.

B. At its next regular meeting after receipt of the resolution of the planning commission, the council shall set a public hearing on the proposed amendment(s) to the general plan not more than thirty days thereafter and shall give notice of the hearing as prescribed by Government Code Section 65355.

C. On the date set for hearing, the council shall consider the proposed amendment(s) to the general plan. The hearing may be continued from time to time.

D. Any change or addition made by the council to the recommendation of the planning commission shall be referred to the planning commission for a report as required by Government Code Section 65356.

E. The council may, after the hearing or after receiving the report on any change or addition, amend the general plan by resolution, as provided by Government Code Section 65357. (Ord. 340 § 3(d), 1977).

17.90.080 Appeal from denial by planning commission.

A. Any person whose application for an amendment to the general plan has been denied by the planning commission may, within ten days of such decision, appeal the action to the council by filing a written notice of appeal with the clerk.

B. The council shall consider the appeal together with its consideration of other amendments to the general plan approved by the planning commission, if any.

C. If there are no other proposed amendments before the council, it shall hear the appeal within thirty days of the filing thereof. Whether or not other amendments are pending, if it grants the appeal, it shall be deemed a change or addition within the meaning of Government Code Section 65356. It shall return the matter to the planning commission for its report as required by that section, and shall thereafter consider the matter, upon receipt of the report by the planning commission, as required by Section 17.90.070. (Ord. 340 § 3(e), 1977).

17.90.090 Specific plan—Application.

A. Any interested person may apply for the adoption of a specific plan to implement the provisions of the general plan.

B. An application for the adoption of a specific plan shall be made to the city planner, and shall be accompanied by the appropriate fee. Such application shall include such information as the planner may require, in such form (including maps, drawings and textual materials) as may be necessary for adequate review. No applications shall be deemed complete until all required information has been submitted. (Ord. 340 § 4(a, b), 1977).

17.90.100 Specific plan—Planning commission review.

A. The planning commission shall, within thirty days of the receipt of the application, establish a time schedule for the consideration of the application, including one or more public hearings thereon. Such schedule shall provide that the review process will be complete and action shall be taken on the application not more than one hundred twenty days after such schedule is adopted. The time schedule shall automatically be extended if necessary to complete review of any draft environmental impact report on the specific plan as may be required by applicable state law.

B. The schedule of the planning commission shall include the order of consideration of all aspects of the specific plan (viz: the order

in which it will consider circulation, land uses and densities, location of public facilities, implementing regulations, and other matters specified in Government Code Section 65451).

C. The planning commission shall hold at least one public hearing on the specific plan and provide notice as required by Government Code Section 65500. The hearing may be continued from time to time.

D. The recommendation of a specific plan to the council shall be by resolution of the planning commission and shall require the affirmative vote of not less than a majority of its total voting members, as required by Government Code Section 65501.

E. If the planning commission fails to take final action on the application within the time specified in subsection A, the application shall be deemed denied, unless the applicant consents to an extension of time in which the planning commission may act. (Ord. 340 § 4(c), 1977).

17.90.110 Specific plan—Council action.

A. The recommendation of the planning commission shall be forwarded to the council.

B. At its next regular meeting after receipt of the recommendation of the planning commission, the council shall set a public hearing on the specific plan not more than thirty days thereafter and shall give notice of the hearing as required by Government Code Section 65503.

C. On the date set for hearing, the council shall consider the proposed specific plan. The hearing may be continued from time to time.

D. The council may adopt the specific plan by ordinance or resolution.

E. If the council determines to make any change or addition to the specific plan, it shall return the matter to the planning commission for its report thereon as provided by Government Code Section 65504. (Ord. 340 § 4(d), 1977).

17.90.120 Appeal of planning commission denial.

A. If the planning commission denies the application for a specific plan, the applicant may appeal to the city council within ten days of the decision by filing a written notice of appeal with the clerk.

B. At its next regular meeting after receiving the appeal, the council shall set a date to act thereon not more than thirty days thereafter.

C. On the date set, the council shall hear the appeal and render its decision thereon. The matter may be continued from time to time.

D. If the council grants the appeal, it shall be deemed a change or addition within the meaning of Government Code Section 65504. It shall return the matter to the planning commission for its report thereon as provided by that section, and shall thereafter consider the matter, upon receipt of the report of the planning commission, as required by Section 17.90.110. (Ord. 340 § 4(e), 1977).

17.90.130 Specific plans—Amendment.

Any person owning property affected by a specific plan may apply to amend the same. Such amendment shall be processed in the same manner as the adoption of a specific plan. (Ord. 340 § 5, 1977).

17.90.140 Concurrent processing of general amendments and specific plans.

An application to amend the general plan may be processed concurrently with an application to adopt or amend a specific plan. (Ord. 340 § 6, 1977).

Chapter 17.92

DEVELOPMENT AGREEMENTS

Sections:

- 17.92.010 Authority.
- 17.92.020 Limitation.
- 17.92.030 Initiation.
- 17.92.040 Qualification of applicant.
- 17.92.050 Application.
- 17.92.060 Fees.
- 17.92.070 Withdrawal of application.
- 17.92.080 Form of agreement.
- 17.92.090 Review of application.
- 17.92.100 Transmittal to the planning commission—Public hearing.
- 17.92.110 Report of planning commission.
- 17.92.120 Hearing by city council.
- 17.92.130 Approval of development agreement.
- 17.92.140 Required notice for public hearings.
- 17.92.150 Initiation of amendment or cancellation.
- 17.92.160 Recordation.
- 17.92.170 Agreement file.
- 17.92.180 Periodic review.
- 17.92.190 Procedure for periodic review.
- 17.92.200 Hearing by city council—
Modification or termination
following periodic review.

17.92.010 Authority.

This chapter is adopted pursuant to the authority of Government Code Sections 65864 through 65869.5. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.010, 1977).

17.92.020 Limitation.

Unless otherwise expressed in this title, the provisions in this chapter are the exclusive procedures and rules relating to development agreements. In the event of conflict, these provisions shall prevail over any other provisions in this title. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.011, 1977).

17.92.030 Initiation.

A development agreement may be initiated by:

A. An application of one or more qualified applicants as defined in Section 17.92.040;

B. By resolution of intention of the city council;

C. By resolution of intention of the planning commission. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.012, 1977).

17.92.040 Qualification of applicant.

Only a qualified applicant or his authorized agent may file an application pursuant to this chapter. A qualified applicant is a person who (which) has a legal or an equitable interest in the real property which is the subject of the development agreement. Such interest must be such that the applicant has or will have control of the use of the property during the proposed term of the agreement. The planning director may require an applicant to submit proof of his (its) interest in the real property and of the authority of the agent, if any, designated to act for the applicant. The planning director may require an applicant or agent to submit a title report from a reputable title insurance company or other evidence to verify the legal or equitable interest of the applicant in the property. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.015, 1977).

17.92.050 Application.

A. Application for a development agreement shall be made in writing to the planning department on a form prescribed by the planning director. The application shall be accompanied by those items specified in Section 17.82.030.

B. In addition to the information required by subsection A of this section, the planning director may require a qualified applicant to submit such additional information and supporting data as the director considers necessary to process the application. (Ord. 476 § 1 (part), 1928: Ord. 336 § 12.01.020, 1977).

17.92.060 Fees.

For the purpose of defraying the expense involved in connection with an application, the council may establish by resolution a schedule of fees. A schedule of fees shall be available in the planning department and on file in the office of the city manager. (Ord. 496 § 2, 1983: Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.022, 1977).

17.92.070 Withdrawal of application.

An applicant may withdraw an application filed pursuant to this chapter at any time prior to city council action on the application. Any fee required for processing the application shall not be returned or refunded to the applicant. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.024, 1977).

17.92.080 Form of agreement.

A. The agreement shall contain all the matters required by Government Code Section 65865.2, and such other matters as the city council determines to be appropriate.

B. The agreement shall be drafted on paper eight and one-half inches by eleven inches and all attached exhibits shall be of a size to permit recording of the document pursuant to Section 17.92.160.

C. The city attorney shall prepare a standard form of agreement, which, when adopted by the city council, shall be used as the base document for each development agreement. Changes and additions to the standard form shall be made as individual circumstances dictate. An applicant may suggest modifications to the standard form. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.024, 1977).

17.92.090 Review of application.

A. The planning director shall review the application and shall accept it for filing if it is complete and accurate.

B. The planning director shall review the application and shall prepare a staff report and recommendation to the planning commission with regard to the proposed agreement.

C. The city attorney shall prepare a draft agreement and forward the same to the planning director. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.026, 1977).

**17.92.100 Transmittal to planning commission
—Public hearing.**

The planning director shall transmit the application and the draft agreement to the planning commission for a public hearing when all of the necessary reports and recommendations are complete. Notice of the public hearing shall be given as provided in Section 17.92.140. The application for a development agreement may be considered concurrently with other discretionary permits or approval for the project. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.030, 1977).

17.92.110 Report of planning commission.

After the planning commission has held a public hearing, it shall render its decision in the form of a written report and recommendation to the city council. The report and recommendation shall include proposed findings on the matters stated in Section 17.92.120C. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.032, 1977).

17.92.120 Hearing by city council.

A. Upon receipt of the recommendation and report of planning commission, the city council shall hold a public hearing. Notice of the public hearing shall be given as provided in Section 17.92.140.

B. After the council has held a public hearing, it may approve, modify and approve, or disapprove the development agreement. It may, but need not, refer matters not previously considered by the planning commission to the planning commission for a report and recommendation. The planning commission may, but need not, hold a public hearing on matters referred to it by the city council.

C. The council shall not approve the development agreement unless it finds that the agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;

2. Is compatible with the uses authorized in and the regulations prescribed for, the land use zone(s) in which the real property is located;

3. Is in conformity with public convenience, general welfare and good land use practices;

4. Will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole;

5. Will not adversely affect the orderly development of property or the preservation of property values;

6. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.

D. The agreement may provide that the rules, regulations and official policies governing the permitted uses of land, density, design, improvement and construction standards, or any one of these, shall be those rules, regulations and official policies in force at the date of execution of the agreement. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.034, 1977).

17.92.130 Approval of development agreement.

If the city council approves the development agreement, it shall adopt an amendment to this title approving the agreement and directing the mayor to execute the agreement after the effective date of the amendment to the title. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.036, 1977).

17.92.140 Required notice for public hearings.

A. Notice of public hearings required by this chapter shall be given as provided in Sections 65854, 65854.5 and 65856 of the Government Code, in addition to such other notice as may be required for other actions to be considered concurrently with the development agreement.

B. The notice requirements referred to in subsection A of this section are as required by the laws existing at the time of adoption of this chapter (Government Code Sections 65867, 65854, 65854.5 and 65856). If state law is amended to prescribe a different notice requirement, notice shall be given in that manner.

C. The failure of any person to receive notice required by law of any hearing as required by this chapter shall not affect the authority of the council to enter into a development agreement. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.038, 1977).

17.92.150 Initiation of amendment or cancellation.

A. Any party to a development agreement may propose an amendment to or cancellation of the agreement in whole or in part.

B. Except as otherwise provided in this section and in Section 17.92.190, the procedure for proposing and adopting an amendment to, or a cancellation in whole or in part of, the development agreement shall be the same as the procedure for entering into an agreement in the first instance. However, if the city initiates a proposed amendment to or a cancellation in whole or in part of the agreement, the city shall first give written notice to each party other than the city who executed the agreement of its intention to initiate such proceedings, not less than thirty days in advance of giving public notice of the hearing to consider such amendment or cancellation.

C. Any amendment to the development agreement which does not relate to the duration of the agreement, permitted uses of the property, density or intensity of use, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions related to design, improvement and construction standards and specifications, or any other condition or covenant relating to the use of the property shall not require a noticed public hearing before

the parties may execute an amendment to the agreement. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.040, 1977).

17.92.160 Recordation.

Within ten days after the effective date of a development agreement, or any modification or the cancellation thereof, the city clerk shall have the agreement, the modification or the notice of cancellation recorded with the county recorder. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.044, 1977).

17.92.170 Agreement file.

The city clerk shall be the official custodian of the agreement file. The file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, modifications or cancellation, to the agreement. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.046, 1977).

17.92.180 Periodic review.

A. The planning commission shall not less than once every twelve months from the effective date of the development agreement review the same for compliance with its terms and conditions.

B. The planning director shall begin the review proceedings by giving notice of the periodic review of the development agreement to each party to the agreement other than the city. He shall give such mailed notice at least fifteen days in advance of the time at which the matter will be considered by the planning commission. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.050, 1977).

17.92.190 Procedure for periodic review.

A. The planning commission shall conduct a public hearing at which time the party or parties to the agreement, other than the city, must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue shall be upon such party or parties.

B. The planning commission shall determine upon the basis of substantial evidence whether or not, for the period under review, there has been compliance in good faith with the terms and conditions of the agreements.

C. After the public hearing, the planning commission shall render its determination in the form of a report to the city council. If the planning commission determines that there has not been compliance in good faith with the terms and conditions of the agreement, the commission may include in its report a recommendation for the modification or termination of the agreement. (Ord. 476 § 1 (part), 1982: Ord. 336 § 12.01.052, 1977).

17.92.200 Hearing by city council— Modification or termination following periodic review.

A. The council shall place the report of the commission on its agenda at the second regularly scheduled city council meeting following the planning commission meeting at which the report was made.

B. 1. If the planning commission reports that there has been compliance in good faith with the terms and conditions of the agreement for the period under review, the council shall accept the report for filing and shall not take any further action unless:

a. The council, on its own motion, votes to set the matter for hearing;

b. An appeal is filed from the determination of the planning commission pursuant to Section 17.86.050.

2. If the planning commission reports that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review, the council shall hold a public hearing to consider the report and recommendation of the commission.

C. Whenever the commission report is scheduled for hearing, notice of such hearing shall be given, as provided in Section 17.92.140. Such notice shall provide:

1. The time and place of the public hearing;

2. A statement that the planning commission has or has not determined that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review;

3. A statement that the city council may terminate or modify the agreement at the conclusion of the hearing.

D. At the conclusion of the public hearing, the council may refer the matter to the planning commission for a further report and recommendation, or it may make a final determination on whether or not there has been compliance in good faith with the terms and conditions of the agreement. If the council finds and determines, on the basis of substantial evidence, that there has not been compliance in good faith with the terms and conditions of the review, the council may terminate the agreement or the council may modify the agreement and impose those conditions which it considers necessary and appropriate to protect the interests of the city. Any court action or proceeding to attack, review, set aside, void or annul the final determination by the council shall be commenced within sixty days from the date upon which a final determination is made, as set forth in Section 17.88.040. (Ord. 476 § 1 (part), 1982; Ord. 336 § 12.01.054, 1977).

Chapter 17.94

TRIP REDUCTION

Sections:

- 17.94.010 Findings—Purpose—Objectives—Intent.**
- 17.94.020 Definitions.**
- 17.94.030 Requirements—Level 1 (all employers, and common work locations).**
- 17.94.040 Requirements—Level 2—All common work locations (without a central contact point) with one hundred or more employees at a single site.**

- 17.94.050 Requirements—Level 3—All employers or common work locations (with a central contact point) with one hundred or more employees at a single site.**
- 17.94.060 Transportation control measure (TCM) menu.**
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17.94.010 Findings—Purpose—Objectives—Intent.

A. The city council finds and determines that increasing employment opportunities and residential construction in the city and in Placer County are projected to create a substantial increase in traffic volumes. The geographical location and atmospheric conditions of the city and Placer County are conducive to the formation of air pollution attributed largely to motor vehicle emissions. California Health and Safety Code § 40919(d), as modified by the California Clean Air Act of 1988, mandates that in serious non-attainment areas such as Placer County, there will be no net increases in vehicular emissions by 1997 and by 1999, an average vehicle ridership (AVR) of 1.4 will be attained in the weekday commute period. California Government Code § 65089.3 (b) (3) and the Placer County congestion management plan requires all jurisdictions within Placer County to adopt and implement a trip reduction ordinance. Ridesharing among employees for home-to-work trips is a simple, inexpensive, and effective means of reducing single occupant motor vehicle trips. A reduction in such trips can be expected to result in an improvement to the region's air quality, and a reduction in traffic congestion and energy consumption impacts related to the anticipated growth in new jobs and residential construction. Cooperation with and coordination of trip reduction programs with other cities, counties, and

communities in the region and through regional agencies would enhance the effectiveness of such programs.

B. The purposes of this chapter are the following:

1. Reduce total vehicle emissions in Placer County and South Placer region by reducing the number of vehicular trips that might otherwise be generated by home-to-work commuting;

2. Reduce traffic congestion in Placer County by reducing both the number of vehicular trips and the vehicular miles traveled that might otherwise be generated by home-to-work commuting;

3. Reduce or delay the need for major transportation facility improvements and reduce congestion by making efficient use of existing facilities;

4. Reduce present and future motor vehicle emissions as a contribution for complying with federal and state ambient air quality standards;

5. Implement measures that will work towards attainment of ambient air quality standards and compliance with congestion management program (CMP) requirements;

6. Increase the average vehicle ridership (AVR) during the weekday commute period ("peak period") to work towards goals set forth in the California Clean Air Act.

C. The fundamental objective of this chapter is to increase the average vehicle ridership (AVR) for home-to-work commuting to an average of 1.4 passengers per vehicle ($AVR = 1.4$). Large employment facilities or common work locations will be expected to accomplish a higher portion of this reduction than small employment centers in recognition of the greater opportunity for rideshare matches and increased viability of transit at large employment facilities.

D. The intent of this chapter is that employers strive to reach the goal of an average vehicle ridership (AVR) of 1.4 persons per vehicle within the air basin by 1999 in compliance with the California Clean Air Act. Employers and property controllers are required to put forth a good faith effort to encourage employees to use alternative transportation modes through the methods described below. (Ord. 693 § 2 (part), 1993).

17.94.020 Definitions.

A. "Alternative commute mode" means method of traveling to and from the worksite other than by single occupant vehicle (i.e., transit, carpool, vanpool, bicycle, walking, telecommuting).

B. "Average vehicle ridership (AVR)" means the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of employees by the standard number of trips in a work week (generally ten), then divided by actual number of vehicular trips per work week. For example, if all employees drive alone to work each day, the $AVR = 1.0$. Ten employees would be expected to take ten trips each per week for a total of one hundred trips. If only sixty-seven vehicular trips are taken, then the AVR is 1.4, which means that, on average, each vehicle is transporting 1.4 people to their destination. The higher the AVR, the more people are using alternative transportation methods.

C. "Carpool" means a motor vehicle occupied by two or more persons traveling to and from work.

D. "Common work location" means single building, building complex, campus, or work sites at common location. A common work location is typified by a common private parking lot or area to be used by employees, tenants, customers, and/or other visitors to the complex, notwithstanding parking slot designations, such as specific spaces designated for specific tenants. To be considered a common work location, the site must have a central contact point, such as property manager or property owner. There are different requirements depending on the existence of a central contact point.

E. "Commuter" means an employee who travels regularly to and from a work facility three or more days a week.

F. "Commuter matching service" means any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.

G. "Employee transportation coordinator (ETC)" means an employee or other individual designated by an employer or project controller to coordinate and implement TCM activities as required by the transportation plan.

H. "Peak period commuter" means any employee who travels regularly to and from a work facility three or more days a week and arrives or departs from the facility during the weekday peak period specified by the city. This peak period shall be linked to the hours that commuter congestion actually occurs.

I. "Project controller" means the owner, lessor and/or manager of a common work location.

J. "Rideshare program" means the commuter matching service and commuter information service operated by the South Placer TMA or Caltrans-Sacramento Rideshare.

K. "Ridesharer" means any employee who commutes to and from his or her work location by any mode other than single occupancy light or medium duty vehicle, motorcycle, or moped.

L. "Shift of employment" means any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

M. "Single occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes.

N. "Transportation control measures (TCMs)" means measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

O. "Transportation control measure (TCM) coordinator" means a city employee designated by the city manager to manage and enforce employer compliance with TRO requirements.

P. "Transportation management association (TMA)" means an association, usually of employers, developers, property managers, and public agencies, organized to facilitate, support, and encourage the use of alternative transportation methods for commuters.

Q. "Transportation plan" means the plan developed by the employer or project controller to reduce single occupant vehicle trips, pursuant to Section 17.94.050(B).

R. "Trip reduction credit" means the number of points credited to an employer's transportation plan

for implementing a specific transportation control measure (TCM) program.

S. "Vanpool" means a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than sixteen persons including the driver, traveling to and from work. (Ord. 693 § 2 (part), 1993).

17.94.030 Requirements—Level 1 (all employers, and common work locations).

A. Providing Information. Every employer and common work location shall encourage use of alternative commute modes by providing the following:

1. Posting in a conspicuous place or places informational material provided or updated annually by the TCM coordinator, to encourage ridesharing, such as:

- a. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site,

- b. The location of all bicycle routes within at least a five-mile radius of the facility,

- c. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing;

2. Disseminating annually to all tenants and employees, and to new tenants and new employees when hired, written information provided by the TCM coordinator regarding an area-wide commuter ridesharing matching service.

All posters, flyers, schedules, maps, and other information required for compliance with this section will be provided by the city on an annual basis or as updates occur.

B. Survey. All employers and common work locations shall complete and return to the TCM coordinator an annual survey regarding employees' use of alternative transportation modes. For employers of less than fifty, a brief survey form on a postcard will be used. Employers of more than fifty shall be provided a more detailed survey form for completion. Survey forms shall be provided by the TCM coordinator. (Ord. 693 § 2 (part), 1993).

17.94.040 Requirements—Level 2—All common work locations (without a central contact point) with one hundred or more employees at a single site.

Worksites that otherwise fit the definition of a common work location but which do not have a central contact point must implement the following measures: (1) all requirements of Level 1; (2) place bicycle racks; and (3) designate carpool parking spaces. (Ord. 693 § 2 (part), 1993).

17.94.050 Requirements—Level 3—All employers or common work locations (with a central contact point) with one hundred or more employees at a single site.

In addition to the requirements of Level 1, all employers or common work locations with one hundred or more employees working at a single site for at least twenty hours per week and which have a central contact point shall provide additional encouragement for the use of alternative transportation modes through the provision of the incentives and resources described in this section. The single site, twenty hours per week requirement is included to exempt employers and employment situations with highly mobile employment characteristics, such as construction work, real estate sales, part-time employment, and so on.

A. Employee Transportation Coordinator (ETC).

1. Every employer or project controller of a common work location which is subject to this section shall designate an employee transportation coordinator (ETC). The name, title, address, and telephone number of the ETC shall be reported to the TCM coordinator within sixty calendar days of the effective date of the ordinance codified in this chapter for those employers or common work locations currently having one hundred or more employees working at a single site for at least twenty hours per week, or within sixty calendar days after reaching one hundred or more employees working at a single site for at least twenty hours per week. Project controllers of common work locations shall use the annual surveys, employer database updates, or any other information provided by the TCM coordinator to determine when the thresh-

old is met. Employers and project controllers shall encourage ETCs to take advantage of educational resources, including training seminars, workshops, training manuals, and discussions with other ETCs. ETCs need not be full-time employees, nor is it necessary that ETC duties take up a majority of the designated employee's time.

2. The ETCs' responsibilities shall include:

a. Publicizing the availability of public transportation;

b. Communicating employee or tenant transportation needs to the employer, project controller, and TCM coordinator as appropriate;

c. Assisting employees or tenants in forming carpools or vanpools;

d. Assisting the employer or project controller in developing the transportation plan, and coordinating and implementing the plan;

e. Coordinating, documenting, and preparing the annual transportation mode survey and report;

f. Performing an annual survey of employees and tenant transportation profile showing the distribution of employees and tenants by transportation mode;

g. Coordinating with other project controllers' and other tenants' transportation plans as applicable;

h. Coordinating participation in a ridesharing program through a transportation management association, either as a member agency or otherwise, including the distribution and collection of commuter matching forms, and submittal to the appropriate rideshare program. The information on these forms will then be entered into the regional database to match commuters by home and work address for carpools and vanpools;

i. Coordinating any necessary, authorized on-site visit by the TCM coordinator.

B. Transportation Plan.

1. **Plan Required.** A transportation plan is required for every employer or common work location subject to this section, and for every employer or common work location upon reaching a level of one hundred or more employees working at one site for at least twenty hours per week.

In the case of seasonal work locations, the transportation plan shall be in effect only at such times

that the employment level reaches one hundred or more employees at a single site for at least twenty hours per week.

2. **Transportation Plan Elements.** The transportation plan shall include:

a. **Description.** A description of the activity and operating characteristics of the proposed or existing project (e.g., business hours and peak hours of travel), including a parking area map or diagram.

b. **Existing Conditions.** A description of the alternative transportation facilities and programs currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies, etc.

c. **Estimate.** A description and estimation of the commuting characteristics of the labor force (e.g., travel distance and mode).

d. **Transportation Control Measures (TCMs).** Measures designed to reduce the number of single occupant vehicle trips. Each TCM is assigned a point value for trip reduction based on its effectiveness in reducing trips.

e. **Implementation Schedule.** A timeline showing the approximate schedule of implementation of each of the selected mitigation measures.

f. **Management Support Letter.** A letter from the top management of the employer or common work location/project controller expressing its awareness of and commitment to the plan.

The plan shall be designed to help achieve a goal of AVR of 1.4. To do this, the plan must include mandatory and optional transportation control measures (TCMS) from the list in Section 17.94.060. Each of these TCMs is assigned a trip reduction credit; the plan must include measures that have a cumulative total of thirty trip reduction credits. As noted on the TCM menu, some TCMs can only be implemented by employers, while others are suitable for both employer and common work location transportation plans.

3. **TCM Coordinator Assistance.** The TCM coordinator shall provide assistance to ETCs in preparing and managing their transportation plan. This assistance may include, but is not limited to, guidebooks, estimate of the potential effectiveness of common

ridesharing activities, sample transportation plans, educational resources, and networking opportunities.

4. **Trip Reduction Credit for Transportation Control Measures (TCMs).** In order to meet the required levels of trip reduction, every transportation plan shall list the TCMs proposed to be implemented. Every plan shall include and implement all of the mandatory TCMs set forth in Section 17.94.060. The employer or project controller may then select from optional TCMs from the TCM menu shown below that will best serve to reduce commute trips of the employees and/or tenants of the particular project. The transportation plan will then receive the vehicle trip reduction credits as defined in this section.

C. Notwithstanding the provisions of this section, a common work location otherwise subject to this section may be exempted from some or all of the Level 3 requirements if implementation of the requirements are found to be infeasible by the city council. (Ord. 693 § 2 (part), 1993).

17.94.060 Transportation control measure (TCM) menu.

Each of the following transportation control measures (TCMs) are assigned a trip reduction credit. Each transportation plan must include measures that have a cumulative total of thirty trip reduction points. The code shown to the left of each measure explains the suitability of that measure for different types of transportation plans. A code (E) means it is suitable for employer plans; a code (P) means it is suitable for common work location.

A. Required Transportation Control Measures (TCMs).

1. (E,P): Designation of an employee transportation coordinator (ETC). Trip reduction credit - 2 points.

2. (E,P): Posting of ridesharing information, including:

a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing.

b. The names and phone numbers of the employee transportation coordinator (ETC), transportation man-

agement association, and the TCM coordinator. Trip reduction credit - 1 point.

3. (E,P): Posting (by employers) or providing to employers (by project controllers) of alternative transportation mode information, including:

a. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to common work location or employment site,

b. The location of all bicycle routes within at least a five-mile radius of the facility. Trip reduction credit - 1 point.

4. (E,P): Distribution of commuter matching service applications to employees (by employers) or to employers (by project controllers). The South Placer TMA and Caltrans Sacramento Rideshare each maintain regional computer databases to match commuters with common cross streets. Each provides rideshare applications to employers for distribution and then directly mails the match lists to the employees. The South Placer TMA provides rideshare matchlisting for destinations within Placer County, while Caltrans Sacramento Rideshare provides matchlisting for out-of-county destinations. Credit will be given if the ETC distributes the applications annually to all employees or employers, as applicable, and upon hiring to all new employees. Trip reduction credit - 3 points.

5. (E,P): Provision of bicycle parking facilities. Unless there are overriding considerations specific to the employment site, sufficient bicycle parking must be supplied to employees. To receive credit, the employer must provide bicycle parking for all bicycle commuters, as determined by survey of employees, or two percent of employment, whichever is less. The bicycle parking facilities shall be, at minimum, Class II stationary bike racks. Trip reduction credit - 1 point.

6. (E,P): Provision of preferential carpool/vanpool parking. Unless there are overriding considerations specific to the employment site, parking spaces for four percent of employees must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces. Trip reduction credit - 1 point.

B. Optional Transportation Control Measures (TCMs). Each employer or project controller, in preparing a transportation plan, may choose from the following menu of TCMs to achieve the required number of trip reduction credits. It is at the discretion of the individual employer or project controller to choose which are best suited to his location, business, and employees.

1. (E,P): ETC Education Program. ETC must attend educational seminars, workshops, or other approved training programs on an annual basis. Points are given based on number of hours of attendance; two points are given for eight hours of training, with an additional point for every additional four hours of training, to a maximum credit of four points. However, since initial education of the ETC is critical, additional points are available for ETC education in the first year. In the first year, four points are given for eight hours of training, with an additional two points for every additional four hours of training, to a maximum credit of ten points. The ETC training is provided free of charge by the South Placer TMA and Sacramento Rideshare. Trip reduction credit 2 - 10 points.

2. (E,P): In-house Carpool Matching Service. The ETC conducts a survey of all employees in order to identify persons interested in being matched into carpools. Potential carpoolers are then matched by work address and shift. Credit is given if this service is performed on an annual basis and for all new employees interested in ridesharing. Trip reduction credit - 4 points.

3. (E,P): Additional Preferential Carpool/Vanpool Parking. Additional employee parking spaces must be painted "Carpool Parking" or "Vanpool Parking" and must be, with the exception of handicapped and customer parking, the spaces with most convenient access to the employee entrances. The ETC shall be responsible for monitoring the spaces. An additional point is provided for each additional two percent of total number of employees for employer plans, and for each additional ten percent of total employee designated parking for common work location plans, for which preferential carpool/vanpool parking is

provided, up to a maximum of three additional points.
Trip reduction credit - 1 - 3 points.

4. (E,P): Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in a regional TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which the TMA board administers. Trip reduction credit - 4 points.

5. (E,P): Guaranteed Ride Home Program. Employers will provide or contract to provide a guaranteed ride home for employees who rideshare two days a week or more. The guaranteed ride home would be provided to the ridesharer in the event that an emergency or illness requires that they or their carpool or vanpool driver must leave work early. Trip reduction credit - 3 points.

6. (E,P): Parking Fee. Employees who arrive at work in single-occupant vehicles must pay a parking fee of ten dollars per week, while carpool and vanpool vehicles are not charged. Credit is given only in situations where there is no alternative free public parking available within one-quarter mile of the site. Trip reduction credit - 6 points.

7. (E): Clean Air Fuel Vehicles. The employer leases or purchases and maintains fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. Two points are given for each dedicated alternative fuel vehicle, and one point is given for each flexible fuel (able to use either gasoline or alternative fuel) vehicle, to a maximum of ten points. Trip reduction credit 1 - 10 points.

8. (E,P): Shuttle Bus Buspool Program. The employer must provide sufficient shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area to the workplace. The employer may choose to lease a bus and may work with nearby employers or employment complexes to maximize ridership. Trip reduction credit - 4 points.

9. (E,P): Vanpool Program. The employer is required to continuously extend an offer to purchase or lease a van or vans, to obtain insurance, and to make available to any group of at least seven employ-

ees a van for commute purposes. The employer may recover full or partial operating costs from the vanpool participants. Trip reduction credit - 4 points.

10. (E,P): Transit/Rail Pass Subsidy. The employer provides a monthly transit or rail pass subsidy of fifty percent or the maximum taxable benefit limit, whichever is higher. The workplace must be within a reasonable walking distance of a transit stop or rail station. The ETC will be responsible for distribution of the passes and collection of fees. Trip reduction credit - 4 points.

11. (E,P): Transit Shelter. The employer will construct a shelter on the designated bus route or will post a bond for future construction once the transit route is extended to the site. Credit is given when the transit shelter is constructed in conformance with city regulations and when the employment site is on or adjacent to existing or planned bus route. Trip reduction credit - 2 points.

12. (E,P): Secure Bicycle Parking Facilities. Parking must be supplied for at least three percent of employment. The bicycle parking facilities shall be of the following types:

a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment,

b. A fenced and covered area with Class II stationary bike racks and a locked gate. Trip reduction credit - 2 points.

13. (E,P): Showers and Lockers. Two showers, one men's and one women's, shall be provided for employers of less than two hundred persons. For employers of more than two hundred persons, there shall be four showers with the number increasing by two for every five hundred employees. Ten lockers shall be provided for employers of less than two hundred persons. For employers of more than two hundred persons, there shall be twenty lockers, with the number increasing by ten for each five hundred employees. Trip reduction credit - 2 points.

14. (E): Flexible Work Location/Telecommuting. A management strategy allowing the employee flexibility in work place outside of the employer's established location. These strategies may include but are not limited to telecommuting from the employee's home,

or the creation of neighborhood office satellites. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to telecommute at least one day per week. Trip reduction credit - 4 points.

15. (E): Flexible Work Hours. A work hour management strategy allowing the employee to adjust work hours outside of the employer's established start and stop time and outside peak hours. Variable work hours may include, but are not limited to: (a) staggered work hours, involving a shift in the set work hours of all employees at the workplace to those outside of peak hours, and (b) flexible work hours involving individually determined work hours within guidelines established by the employer. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to take advantage of flexible work hours. Trip reduction credit - 2 points.

16. (E): Compressed Work Weeks. A management strategy allowing the employee to compress the total number of hours required in a work week to fewer days. For example, a typical forty-hour work week could be compressed into four ten-hour days. Credit is given when employees in appropriate positions, which may not include the entire work force, are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule). Trip reduction credit - 3 points.

17. (E,P): On-Site Services. Necessary services would be provided within one-quarter mile of the employment site that eliminates the need for a vehicular trip before, during, or after the work day. Necessary services would include, but are not limited to, child care, cafeteria/restaurant, lunch room, automated teller machine, dry cleaners, or post office. These services may be provided by the employer, through cooperative efforts of employers and service providers, or by other means. Actual credits awarded will depend on which service or combination of services are provided and proximity to employment site. Trip reduction credit - negotiable with TCM coordinator and designated approving body. Expected range for each service: 1 - 10 or more points, depending on service type, proximity, and extent of service provided.

Maximum point award for all services is 15 points total.

18. (E,P): Transit System Subsidy Grant. Employer provides support to local transit system, which could be for system operations or for capital needs such as new buses. Subsidies or grants could be financial or through donation of capital needs. Actual credits awarded will depend on the amount and type of subsidy or grant. Trip reduction credit - negotiable with TCM coordinator and designated approving body. Expected range: 1 - 20 points depending on amount and type of subsidy or grant.

19. (E,P): Jobs/Housing Balance. Employer or project controller demonstrates that at least fifty percent of the employees reside within eight miles of the work facility. Trip reduction credit - From 5 to 10 points, depending on percentage of employees living within eight mile radius:

If less than fifty percent	0 points;
If fifty percent or more, but less than sixty percent,	5 points;
If sixty percent or more, but less than seventy percent,	6 points;
If seventy percent or more, but less than eighty percent,	7 points;
If eighty percent or more, but less than ninety percent,	8 points;
If ninety percent or more, but less than one hundred percent,	9 points;
If one hundred percent,	10 points.

20. (E,P): Other. Trip reduction measures that are not included in this menu or do not specifically fit the descriptions contained herein may also be considered. Innovative methods are strongly encouraged. An example would be a high school setting up a ridesharing educational program for their students. Trip reduction credit - negotiable with TCM coordinator and designated approving body. (Ord. 693 § 2 (part), 1993).

17.94.070 Transportation plan—Review and action.

A. The transportation plan shall be filed with the TCM coordinator for review and evaluation of the

proposed TCM measures. The TCM coordinator shall then make a recommendation to the city manager for approval, approval with modifications or conditions, or disapproval. Upon receipt of the TCM coordinator's recommendation, the city manager shall approve, approve with modifications or conditions, or disapprove the plan.

B. A decision to approve, approve with modifications or conditions, or disapprove the transportation plan shall be deemed final twenty calendar days after the date the applicant receives a notice of the city manager's decision unless an appeal has been filed. (Ord. 693 § 2 (part), 1993).

17.94.080 Annual reporting requirements.

A. All Level 1 and Level 2 employers and project controllers shall complete and return an annual survey as described in Sections 17.94.030 and 17.94.040.

B. All ETCs shall complete an annual transportation mode survey and status report. The purpose of this report is to verify the dates and results of the TCM measures specified in the transportation plan.

C. The survey portion of the report shall require the ETC to annually perform a transportation survey of employees. A standard form will be provided by the TCM coordinator to determine the changes in the distribution of employees using various transportation modes in comparison with the baseline information. The transportation survey shall include information such as origin and destination of travel, transportation mode used, work schedule, and interest in alternative mode commuting. In order for project controllers to compel tenants and their employees to provide survey information, the lease agreement should include compliance with survey requirements. A survey response rate of seventy-five percent is required to ensure the significance of the results. The surveys distributed by the ETC shall be available for audit by the city following the completion of the annual report.

D. The status report portion shall show the TCM measures included in the transportation plan with the implementation or completion date entered for each measure. If a measure was not implemented within the stated time frame, an explanation why it was not

done must be included. If there are certain measures stipulated in the previous transportation plan that are believed to no longer be feasible, an explanation must be included. The status report portion shall include the following information:

1. Compliance Program. Description and documentation of compliance with TCM measures described in the transportation plan, including details of individual programs;

2. Commute Characteristics. Status report on effectiveness of transportation plan as shown by the commute characteristics of employees. Specifically, this includes the average number of tenants and/or employees regularly arriving at and leaving the project site by each of the following modes of transportation:

- a. Single passenger motor vehicles (including mopeds),

- b. Carpools, including number of vehicles and number of occupants per vehicle,

- c. Van-type vehicles with seven or more commuters including the number of vehicles and number of occupants per vehicle,

- d. Mass transit,

- e. Bicycles,

- f. Flexible work location/telecommuting,

- g. All others;

3. Totals. The total number of tenants and/or employees by work shift at the project site;

4. Employee Characteristics. The zip code and nearest cross street of each employee's residence;

5. Employee Transportation Coordinator (ETC). The name, address, and telephone number of the ETC;

6. Statement of Certification. The employer or project controller must certify that the TCMs agreed to for trip reduction credit have been fully implemented. If the TCMs have not been implemented, an explanation must be included, and the annual transportation survey and report shall include actions to be taken to implement the program. (Ord. 693 § 2 (part), 1993).

17.94.085 Implementation schedule.

Except as provided in Section 17.94.050(A), employers and common work location subject to Level 3 requirements must comply with this chapter within

six months of the effective date of the ordinance codified in this chapter. All other employers and project controllers must comply with this chapter within thirty days of receipt of posting information. (Ord. 693 § 2 (part), 1993).

17.94.090 Monitoring of employer performance.

A. The TCM coordinator shall review the annual transportation mode survey and report of each employer and common work location and compare performance with the goals established in the approved transportation plan. Inspection of the business location by the TCM coordinator may be conducted as necessary to determine compliance with these provisions or to assist ETCs in preparing surveys or reports. A good faith effort to encourage employees to use alternative transportation as provided in the transportation plan is required. However, this chapter does not hold employers liable if the TCM coordinator finds the results of the transportation plan on employee commute habits did not achieve the stated trip reduction goals.

B. The California Clean Air Act of 1988 requires that an average vehicle ridership (AVR) of 1.4 be attained within Placer County's air basin by the year 1999. It is not the responsibility of employers and project controllers to meet this goal in isolation; rather, it is expected that employers and project controllers will contribute towards meeting this goal.

C. If, after review of an annual transportation mode survey and report, the TCM coordinator finds the performance has been unsatisfactory, the TCM coordinator shall work with the employer or project controller to achieve the implementation of TCMS within one year of submittal. The employer or project controller will be assisted in submitting a revised report.

D. If the revised report is still not satisfactory, the TCM coordinator will prepare a staff report to the city manager. The city manager may then find that the employer or project controller and/or the ETC is in violation of this chapter and commence enforcement proceedings. (Ord. 693 § 2 (part), 1993).

17.94.100 Penalties.

Failure to comply with the requirements of this chapter or with the terms of a transportation plan required pursuant to this chapter shall be deemed a violation of this code and subject to the following penalties:

A. Misdemeanor or as an infraction in the discretion of the city attorney;

B. Violations of this chapter are punishable separately and independently of any other remedies at law or inequity, including, but not limited to, those remedies provided in any applicable transportation plan. (Ord. 693 § 2 (part), 1993).

17.94.110 Appeal.

Appeal from any action taken by the city manager pursuant to this chapter may be made in writing to the city council within twenty days of the city manager's decision. (Ord. 693 § 2 (part), 1993).

Chapter 17.96

DENSITY INCREASE INCENTIVE PROGRAM

Sections:

- 17.96.010** Intent.
- 17.96.020** Applicable zoning districts.
- 17.96.030** Qualifications.
- 17.96.040** Density increase and other incentives.
- 17.96.050** Application.
- 17.96.060** Retention.

17.96.010 Intent.

This chapter is adopted in accordance with Section 65915 et seq. of the California Government Code and the housing element of the city of Rocklin. The purpose of this chapter is to provide both owner-occupied and rental housing units affordable to all households, particularly to those of low, very low, and moderate income and special needs, as identified in the city's housing element. (Ord. 513 § 1 (part), 1984).

17.96.020 Applicable zoning districts.

This chapter shall be applicable to all zoning districts that allow residential uses. (Ord. 513 § 1 (part), 1984).

17.96.030 Qualifications.

To qualify for a density increase or other incentive under this chapter:

- A. The development must consist of five or more dwelling units;
- B. The developer must agree to construct at least twenty percent of the total units of the development for low income households; or ten percent of the total units for very low income households; or, with respect to sites zoned for nineteen units per acre or more, five percent of the units for very low income households and at least ten percent for low income household, or, with respect to condominium conversion projects, thirty-three percent of the total units of the project for very low, low or moderate income persons

or families, or fifteen percent for very low or low income persons and families, as the income categories are defined in the housing element of the city;

C. The city may, at its discretion, offer a density increase of twenty-five percent on projects that provide twenty percent owner-occupied housing units for households earning eighty percent to one hundred percent of median income, depending on the physical characteristics of the site, the availability of sufficient infrastructure to serve the project, project design and surrounding land uses; and

D. The units shall be sold or rented to individuals and families in the indicated income groups at an amount affordable to the income group, as defined in Government Code Section 65915(b) and (c). (Ord. 671 § 1, 1993; Ord. 513 § 1 (part), 1984).

17.96.040 Density increase and other incentives.

Application may be made for a density increase and/or other incentives under this chapter as follows:

A. A density increase of up to twenty-five percent. A "density increase" means an increase over the otherwise maximum allowable residential density of the existing zoning or general plan land use classification, whichever is more restrictive;

B. For projects providing affordable units to very low and low income persons and families, the following additional incentives:

1. Use of applicable federal and state funds when available,
2. Reduction of minimum square footage and garage requirements on the very low and low income units, pursuant to Sections 17.08.020 and 17.66.020, respectively,
3. A twenty percent discount of all city fees due and payable at the time of issuance of the building permit, when the city determines the inventory of very low and low income housing units within the city falls below the city's fair share housing allocations of very low and low income housing as established by the housing element of the city. The discount shall be for owner-occupied or rental, low and very low income housing units. The discount shall be in effect until the city's inventory of very low and low income

housing units is equal to the city's fair share allocation. When a determination is made by the city's planning director that the city has reached its fair share allocation for very low and low income housing units, the discount shall be discontinued. (Ord. 671 § 2, 1993; Ord. 513 § 1 (part), 1984).

17.96.050 Application.

A. An application for a density increase or other incentive under this chapter shall be submitted on a form prescribed by the planning director. The application shall contain information sufficient to fully evaluate the request under the requirements of this chapter and in connection with the project for which the request is made.

B. The application shall be considered by the planning commission and/or the city council at the same time each considers the project for which the request is made. If the project is not to be otherwise considered by the planning commission or the city council, the request made under this chapter shall be considered by the planning commission separately. The request shall be approved if the applicant complies with the provisions of Section 17.96.030 and 17.96.040.

C. If the planning commission or the city council approves a request for a density increase, it shall also specify the development standards that shall be applicable to that portion of the project affected by the density increase. The standards shall be no more restrictive than those applicable in the zoning district in which the resulting overall density of the project would be allowed as of right.

D. If the planning commission or the city council approves a request for a density increase, the planning director shall indicate the approval on the official zoning maps of the city, by placing after the zoning designation on the property the symbol "(DI)." (Ord. 513 § 1 (part), 1984).

17.96.060 Retention.

Whenever a density increase or other incentive is approved for a project under this chapter, the city and the applicant shall agree to an appropriate method of assuring the continued availability of the units for

very low, low or moderate income persons and families for a period of time not to exceed thirty years, as approved by the commission or council unless required by the applicant's financing program. (Ord. 671 § 3, 1993; Ord. 513 § 1 (part), 1984).

Chapter 17.98

MOBILE HOME PARKS

Sections:

17.98.010	Purpose.
17.98.020	Applicability—Conformance to standards.
17.98.030	Accessory uses.
17.98.040	Mobile home park area.
17.98.060	Space area.
17.98.070	Perimeter yards.
17.98.080	Landscaping.
17.98.090	Perimeter fencing.
17.98.100	Separations between mobile homes and other structures.
17.98.110	Outdoor living area.
17.98.120	Interior access roadways.
17.98.130	Parking.
17.98.140	Storage area.
17.98.150	Grandfather clause.

17.98.010 Purpose.

This chapter provides opportunity for a variety of mobile home park environments which are compatible with the surrounding area in which they are placed. Development of mobile home parks in accordance with adopted regulations will increase the options for affordable housing and allow design flexibility in response to different site conditions and potential markets. (Ord. 517 § 16 (part), 1984).

17.98.020 Applicability—Conformance to standards.

A. Mobile home parks are permitted in every residential zone upon issuance of a use permit pursuant to Chapter 17.70. Mobile home parks shall be subject to the requirements of this chapter, in addition to those

of the underlying zone. Where the requirements of this chapter are in conflict with those of the underlying one, the requirements of this chapter shall govern.

B. Mobile home parks shall conform to the minimum standards in this article; however, other and more restrictive requirements may be

imposed in the interest of public health, safety, and welfare, as conditions of the conditional use permit.

C. Residential density within a mobile home park shall not exceed that of the underlying land use designation of the general plan of the city, except as provided for in Chapter 17.96 of this title. (Ord. 517 § 16 (part), 1984).

17.98.030 Accessory uses.

Mobile home parks may, subject to the issuance of a use permit, contain the following accessory uses, in addition to permitted uses within the underlying zone:

A. Commercial uses which are for the convenience of residents of the park, such as coin-operated laundry rooms and recreational facilities;

B. Outside storage for boats, campers and other large vehicles for the convenience of residents of the park;

C. Office space for management and sale or rent of on-site mobile home units or spaces. (Ord. 517 § 16 (part), 1984).

17.98.040 Mobile home park area.

Each mobile home park shall have a minimum area of not less than five acres. (Ord. 517 § 16 (part), 1984).

17.98.060 Space area.

Each mobile home space shall be designed to be occupied by one mobile home, and uses accessory thereto. Space sizes shall be appropriate to anticipated sizes of mobile homes, required yard setbacks, outdoor living areas, and on-site parking, and shall meet the following minimum requirements:

A. Spaces designed for a single-width mobile home shall not be less than two thousand four hundred square feet, and not have a space width less than thirty-five feet.

B. Spaces designed for double-width mobile homes shall not be less than three thousand square feet, and not have a space width less than forty-five feet. (Ord. 517 § 16 (part), 1984).

17.98.070 Perimeter yards.

There shall be a landscaped yard setback for mobile home parks of not less than the required setbacks of the underlying zone, but in no case less than twenty feet adjoining each interior property line. Where the interior yard abuts the rear yard of adjoining residentially zoned properties, then the interior landscaped area shall not be less than the rear yard setback requirement of the adjoining property. (Ord. 517 § 16 (part), 1984).

17.98.080 Landscaping.

All minimum setback areas, open spaces and recreational areas shall be permanently landscaped and maintained with ground cover, trees and shrubs. Earth berming shall be encouraged. (Ord. 517 § 16 (part), 1984).

17.98.090 Perimeter fencing.

A. Perimeter fencing six feet in height shall be erected along boundary lines of the mobile home park, except that perimeter fencing abutting any public right-of-way shall be located behind the required landscaped yard area. All perimeter fencing shall be constructed of masonry or shall be constructed of wood with masonry pilasters, spaced a maximum of six feet apart.

B. Perimeter fencing may be waived when the planning commission finds that the natural terrain forms an acceptable barrier. (Ord. 517 § 16 (part), 1984).

17.98.100 Separations between mobile homes and other structures.

A. A yard of not less than five feet shall be provided between the boundary line of each space and any mobile home, travel or recreational trailer, or accessory structure.

B. Minimum setbacks from any internal roadway and mobile home or other structure shall be ten feet. (Ord. 517 § 16 (part), 1984).

17.98.110 Outdoor living area.

Private outdoor living and service areas shall be provided on each mobile home space for the

privacy of the occupants. The minimum area shall not be less than three hundred square feet, with a least dimension of fifteen feet. (Ord. 517 § 16 (part), 1984).

17.98.120 Interior access roadways.

No mobile home, travel or recreational vehicle space shall have direct frontage on any public street. The private, interior roadways shall meet the following standards:

A. Private access roadways shall be of circular design where possible, and provide vehicular access at two or more points. Roadways with only one point of access shall not exceed one hundred fifty feet in length; however, such drives may exceed one hundred fifty feet in length if the design includes a turnaround arrangement or emergency access arrangement, to the satisfaction of the fire chief.

B. Private access roadways on which parking is prohibited shall be installed with a minimum full travel pavement width of twenty-eight feet. Roadways on which parking is to be allowed on one side shall have a minimum width of thirty-two feet. Roadways on which parking is to be allowed on both sides shall have a minimum width of not less than forty feet. (Ord. 517 § 16 (part), 1984).

17.98.130 Parking.

A. At least two paved parking spaces for each mobile home space, plus at least one paved visitor parking space, conveniently located, for each four mobile homes shall be provided. Private internal roadways designed for parking on one or both sides may be used in calculating visitor parking spaces.

B. At least one and one-half paved parking spaces, conveniently located, for each space designated for travel or recreational vehicles shall be provided. (Ord. 517 § 16 (part), 1984).

17.98.140 Storage area.

One or more common storage areas for the convenience of the residents of the park shall be provided in an amount equal to at least one

hundred square feet of storage area per mobile home space. This outside storage area shall be completely enclosed with security fencing and adequately screened from exterior view. Such a storage area shall not be located within any street or perimeter yard setback. (Ord. 517 § 16 (part), 1984).

17.98.150 Grandfather clause.

All mobile home parks existing on the effective date of the ordinance codified in this chapter shall be deemed legal uses for the purposes of Title 17 of this code. Any expansion of the mobile home park or its accessory uses shall be subject to this section. (Ord. 517 § 17, 1984).

TITLE 17 FOOTNOTES

1. For provisions on general plan amendments, see Chapter 17.90 of this code.

2. For provisions on zoning text and map amendments, see Chapter 17.82 of this code.